

Timothy Baggott 2275063
Name and Inmate Booking Number

Elko, NV
Place of Confinement

P.O. Box 2028
Mailing Address

Elko, NV 89801
City, State, Zip Code

Filed	Received	Entered	Served On
Counsel/Parties of Record			
NOV 27 2023			
Clerk US District Court District of Nevada			
By:	Deputy		

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Timothy Baggott,
Plaintiff

vs.

- (1) Sheriff I Tor,
(2) LT. Parry,
(3) Sgt. Edgmonds,
(4) Deputy Moore,
(5) Mellisa Knox,
Defendant(s).

Case No. 3:23-cv-00595
(To be supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT
BY AN INMATE

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

☒ Jury Trial Demanded

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
☐ Other: _____

- 2) Institution/city where Plaintiff currently resides: Elko Co. Jail
3) Institution/city where violation(s) occurred: Elko, NV

B. DEFENDANTS

1. Name of first Defendant: Sherrieff Itor. The first Defendant is employed as:
Sherrieff at Elko Detention Center.
(Position of Title) (Institution)
2. Name of second Defendant: Lt. Parry. The second Defendant is employed as:
Lieutenant at Elko Detention Center.
(Position of Title) (Institution)
3. Name of third Defendant: Melanie Edgmonas. The third Defendant is employed as:
Seargent at Elko Detention Center.
(Position of Title) (Institution)
4. Name of fourth Defendant: Dep. Moore. The fourth Defendant is employed as:
Deputy at Elko Detention Center.
(Position of Title) (Institution)
5. Name of fifth Defendant: Melanie. The fifth Defendant is employed as:
Medical Provider at Elko Detention Center.
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. NATURE OF THE CASE

Briefly state the background of your case.

Four parts to my case.

claim #1 Placed in a lockdown block (the hole) For a
extended period of time.

#2 Because of being placed in lockdown, I am not allowed to
attend jail church services on Sunday or Monday evenings.

#3 Lack of yard time and sunshine

#4 Covid exposure and lack of premenptive vaccines.

B. DEFENDANTS

1. Name of first Defendant: Sheriff Itor. The first Defendant is employed as:
Sheriff at Elko Co. Jail.
(Position of Title) (Institution)
2. Name of second Defendant: LT. Parry. The second Defendant is employed as:
Lieutenant at Elko Co Jail.
(Position of Title) (Institution)
3. Name of third Defendant: Sgt Edmonds. The third Defendant is employed as:
Seargant at Elko Co Jail.
(Position of Title) (Institution)
4. Name of fourth Defendant: Dep Moore. The fourth Defendant is employed as:
Deputy at Elko Co. Jail.
(Position of Title) (Institution)
5. Name of fifth Defendant: Mellisa Knox. The fifth Defendant is employed as:
Provider Nurse at Elko Co. Jail.
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. NATURE OF THE CASE

Briefly state the background of your case.

claim 1, Placed in a lockdown block (the hole) for a
extended period of time.

claim 2, Since I am lockdown I am not allowed
to participated in jail church services.

claim 3, Lack of yard time

claim 4, medications for covid

D. CAUSE(S) OF ACTION**CLAIM 1**

1. State the constitutional or other federal civil right that was violated: Amendment 4 & 8
165 Days of lockdown
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input checked="" type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Date(s) or date range** of when the violation occurred: May 21, 2023 to present (150 days and counting)
4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

Upon intake, I was booked by SGT ATKINS and placed in the suicidal rubber room. Due to tossing a cup of water AT HIM. I spent a week there and then placed in L Block, the 23 of 24 hr lockdown block. I never had a hearing which the Inmates Handbook states. I am not a violent person. Never have been. No assault charges ever. So why am I in this block and why for so long?

CLAIM 2

1. State the constitutional or other federal civil right that was violated: Amendment 4th
Exercise of Religion

2. **Claim 2.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

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| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input checked="" type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Date(s) or date range** of when the violation occurred: May 21 2023

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 2. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

Lt. Parry is the supervisor of the Sgt's and Deputies at B/Ko Detention Center. I have asked multiple officer's about going to jail church. I was always told that because I was in L Block (lockdown) that I could not go. I am a christian and for years probably the best attendee at my church. It has been difficult to navigate through some of life's toughest moments without Fellowship. I have no criminal record of violence. I asked first my first week in (May 21) custody and continues to this day Oct 26.

The inmate handbook that has the rules states the Sheriff will make every responsible effort to permit free exercise of religion, limited by legitimate security, operational consideration. Religious services may be cancelled at any time without notice.

The inmate handbook is supposed to be in every Block. Since May 21st there has never been one after many, many request. The latest being Sgt. Moore who said he would 3 weeks ago.

CLAIM 3

1. State the constitutional or other federal civil right that was violated: Amendment 4 & 8
CRUEL AND UNUSABLE PUNISHMENT
2. **Claim 3.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
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| <input checked="" type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Date(s) or date range** of when the violation occurred: May 21st to present and continues

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 3. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

Yard and Exercise. Inmate handbook states Inmates are allowed 3-1hr uses of yard time per week. This has never happened since being detained and assigned to the lockdown block from May 21 to present. I have asked many Sgt's and Deputies and they all say that L-block does NOT grant the same privileges. Sgt. Edmonds came into my cell to state that our day room was our yard and to use our 1hr per day outside our cell to exercise. To get sunshine she recommended looking up at the 5' by 5' opening in the high ceiling in the day room. I have tried every possible way to get to the area labeled - YARD - on the door with very little success. Since May 21st, I have had approx. 10 hours of yard time. For all other blocks yard time is simple. They announce it over a speaker and a inmate lines up if they wish to go, per Inmate handbook rules. In my block I am told to try on Mondays and maybe I will get to go outside after the other blocks finish. I have to first locate a tablet (which is not easy when there are 4 for 15ish inmates), place a kite request, then on Monday check with controller to see if I'm on the list. Then if my 1-hr a day I'm let out of my cell align's up with the yard being open, I am allowed to go. Most times I am NOT allowed.

If you assert more than three claims, answer the questions listed above for each additional claim on a separate page.

CONTINUATION OF CLAIM 3

1 It is such a pain to get some fresh air and
2 sunshine. 3600 plus hrs I have been detained
3 and 10 hrs of yard time. Actually its NOT even
4 10 hrs because I have to use 15 min of each
5 hour to shower before being locked down.
6 The inmate handbook states 3 - 1 hr uses per week.
7 It also states handbook is to remain in dayroom
8 at all times. Since May 21st I have never seen
9 one even after many, many requests.
10 This is cruel and unusual punishment.
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D. CAUSE(S) OF ACTION

CLAIM #4

1. State the constitutional or other federal civil right that was violated: Amendment 4th
Cruel and unusable punishment, Pain and suffering
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input checked="" type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Date(s) or date range** of when the violation occurred: Oct 22 - Oct 27
4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

My doctor has insisted that I keep current on Flu shots and all Covid boosters. I have done that including all Covid vaccine and Boosters. Sep. 9th I put a medical note asking for the current FLU and COVID BOOSTER. The response was NO for COVID booster and yes for FLU SHOT. As of Oct 27, I still do not have a FLU SHOT.

Oct 22nd I had a massive headache. I could not sleep but I lay in bed with earplugs and a towel to cover the light. I lay there shaking thinking I was going to die. It took 39 hours to get any medicine to help. I tried to get Sgt Edmonds but she refused to come to my cell. I tried to get Deputy Armarilla to help me to no avail. I tried to get the Nurse Stephanie to help but she just continued her normal rounds. She did swab me for Covid which turned out positive. 39 hrs to get any relief with medication. Top 3 of most painful experiences in my lifetime.

E. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while incarcerated? ☐ Yes ☒ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" ☐ Yes ☒ No

F. REQUEST FOR RELIEF

I believe I am entitled to the following relief: _____

Case 1 I should be in general population instead of lockdown block.
 Case 2 I should be able to attend church services weekly.
 Case 3 All inmates get 3-1hr yard time per week this should include me.
 Case 4 Lack of medical attention through COVID and I want the Flu shot.
 For cruel and unusual punishment along with Pain and Suffering
 Compensatory 1.5 million, Punitive 1.5 million.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

N/A

(name of person who prepared or helped
prepare this complaint if not the plaintiff)

Timothy B. Bess

(signature of plaintiff)

9/29/23

(date)

ADDITIONAL PAGES

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.